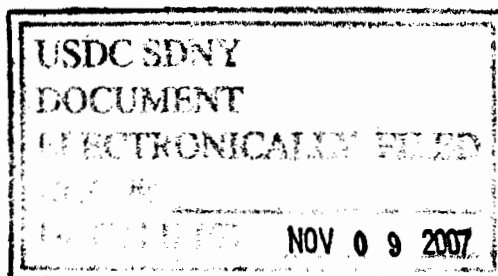


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November 5, 2007

FILE NO: 41147.07

BY HAND

Honorable Laura T. Swain, U.S.D.J.
United States Courthouse
500 Pearl St., Room 755
New York, NY 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not file such certification to Chambers.

Re: D'Arcy Quinn v. Altria Group, Inc., et al., Case No. 07-CV-8783 (LTS)

Dear Judge Swain:

We represent defendant Philip Morris International, Inc. ("PMI") in this suit. We write pursuant to Rule 1.E. of Your Honor's Individual Practices to request an initial extension of time to November 15th for PMI to file its responsive pleading, subject to further revision as set forth below.

PMI's responsive pleading is currently due on Tuesday, November 6, 2007. PMI has not previously requested an extension. Co-defendant Altria Group Inc. was only recently served and its responsive pleading is due November 15, 2007. We anticipate filing a dispositive motion and have obtained the agreement of Plaintiff's counsel, Robert Stulberg, that it is appropriate to negotiate a schedule that is mutually agreeable to all parties for (i) attempting to resolve the matters in controversy informally pursuant to Rule 2.B. of Your Honor's Individual Practices and, if necessary, (ii) briefing of the dispositive motion(s). At this juncture, Plaintiff's counsel has agreed to an initial extension for PMI until November 15th to enable the parties to develop such a schedule. We thus anticipate seeking the Court's approval of a subsequent schedule on or before November 15th.

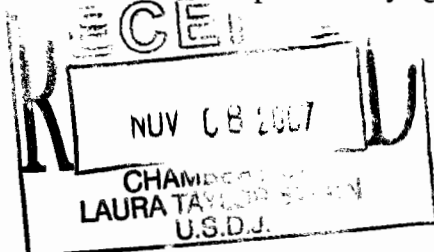
Accordingly, we respectfully request that you permit this extension, subject to further revision as the parties may agree.

Respectfully submitted,

Shawn Patrick Regan

The Request is granted.

SO ORDERED.



cc: Robert B. Stulberg, Esq. (counsel for Plaintiff)

faxed
Copies ~~mailed~~ *to Depts Counsel*
Chambers of Judge Swain *11-9-07*

11/8/2007
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE